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FILED  
Clerk  
District Court

NOV 17 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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9 Attorneys for Defendant  
JLH PACIFIC TRUST

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTHERN MARIANA ISLANDS**

13 PATTI C. BALLONE, *et al.*,  
14 Plaintiffs,  
15 v.  
16 BERT MONTGOMERY, *et al.*,  
17 Defendants.

**CIVIL ACTION NO. CV 03-0013**

18 DAVID H. SCHMIDT, *et al.*, }  
19 Plaintiffs, }  
20 v. }  
21 BERT DOUGLAS MONTGOMERY, *et al.*, }  
22 Defendants, }  
23 v. }  
24 UNITED FOREX INVESTORS, *et al.*, }  
25 Third-Party }  
26 Defendants. }

**PROOF OF PUBLICATION OF  
SERVICE OF PROCESS UPON  
THIRD-PARTY DEFENDANT  
DAVID HOWELL**

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1                   Comes now, JLH PACIFIC TRUST, by and through its attorneys, Brien Sers  
2 Nicholas, Attorney At Law, and Glenn K. Sato, Attorney At Law, for submission of Proof of  
3 Publication of Service of Process upon Third-Party Defendant David Howell attached hereto.

4                   Dated this 16<sup>th</sup> day of November, 2005, on Saipan, CNMI.

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8                   BRIEN SERS NICHOLAS (F0163)  
9                   GLENN K. SATO (2176-0)

10                   Attorneys for JLH PACIFIC TRUST  
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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

## IN THE MATTER OF

CIVIL NO. CV 03-0013

IN THE UNITED  
STATES DISTRICT  
COURT FOR THE  
NORTHERN  
MARIANA ISLANDS  
SUMMONS

## TO: DAVID HOWELL

Pursuant to a March 23, 2004 Order Setting Status Conference, Mediation and Settlement Conference, and Allowing Service by Publication, YOU ARE HEREBY NOTIFIED THAT Defendant JLH PACIFIC TRUST has filed a First Amended Counterclaim, Crossclaim and Third-Party Complaint in Civil Case No. CV 03-0013 for determination of your right, title and interest to certain interplead funds together with such other relief as the Court deems just.

YOU ARE HEREBY SUMMONED and required to serve upon JLH PACIFIC TRUST'S Attorney:

BRIAN SERS NICHOLAS  
1st Floor, UIU Building  
San Jose Village  
Saipan, MP 96950

an answer to the First Amended Counterclaim, Crossclaim and Third-Party Complaint within twenty (20) days after the date of this published notice. If you fail to do so, judgment by default will be taken against you for the relief demanded in the First Amended Counterclaim, Crossclaim and Third-Party Complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Publication of Summons ordered by Judge Alex R. Munson pursuant to Order Setting Status Conference, Mediation and Settlement Conference, and Allowing Service by Publication dated March 23, 2004.

(Hon. Adv.: Sept. 30; Oct. 7, 14, 2005) (A-249294)

STATE OF HAWAII  
City and County of Honolulu

## AFFIDAVIT OF PUBLICATION

ss.

Jane Kawasaki *being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of THE HONOLULU ADVERTISER, a division of GANNETT PACIFIC CORPORATION, that said newspaper is a newspaper of general circulation in the State of Hawaii, and that the attached notice is a true notice as was published in the aforereferenced newspaper as follows:*

*The Honolulu Advertiser: 3 time(s), on  
09/30/2005,  
10/07/2005, 10/14/2005*

*and that affiant is not a party to or in any way interested in the above entitled matter.*

*Subscribed and sworn to before me this 14th day of October A.D. 2005.*

*Elsie A. Maruyama*

Notary Public of the First Judicial Circuit

State of Hawaii

My commission expires

March 7, 2008

